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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/941,963	10/01/1997	JEFFREY J. KRIZ	H16-17016-US	7591

128 7590 01/02/2003

HONEYWELL INTERNATIONAL INC.  
101 COLUMBIA ROAD  
P O BOX 2245  
MORRISTOWN, NJ 07962-2245

EXAMINER

YAO, KWANG BIN

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 01/02/2003

21

Please find below and/or attached an Office communication concerning this application or proceeding.



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## Office Action Summary

**Application No.**

08/941,963

**Applicant(s)**KRIZ, JEFFREY J. **Examiner**

Kwang B. Yao

**Art Unit**

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-11,13-17,26-28,30-35 and 39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.

- 6) ☒ Claim(s) 1,3,5-11,13-17,26-28,30-35 and 39 is/are rejected.

- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.

- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.                      6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Reopening of Prosecution – New Ground of Rejection After Appeal***

1. In view of the Appeal Brief filed on 10/21/02, PROSECUTION IS HEREBY REOPENED. A New Ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined

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was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 39 is rejected under 35 U.S.C. 102(e) as being clearly anticipated by Canada et al. (US 5,854,994).

Canada et al. discloses an apparatus comprising the following features: a plurality of machine monitors 4 in Fig. 1 for transmitting information using a low power battery and receiving information; a plurality of repeaters 8 for being located proximate to the machine monitors 4 and for wireless communication with other repeaters or monitors using AC power outlet; command station 6 for controlling the repeaters 8 and machine monitors. See column 7, lines 42-52, and column 10, lines 51-56.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 3, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al. (US 5,854,994) in view of Carvey (US 5,699,357).

Canada et al. discloses the claimed limitations above. Canada et al. does not disclose the claimed features of: at least one of the devices is selected from the group consisting of sensors, actuators, and controllers. Carvey discloses a personal data network comprising the following

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features: PEAs 21, ..., 29 being selected from the group of sensors, actuators, controllers. It would have been obvious to one of the ordinary skill in the art at the time of the invention to use the features, as taught by Carvey, in the system of Canada et al., in order to provide various applications, see column 2, lines 2-13.

6. Claims 2, 5-9, 11, 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al. (US 5,854,994) in view of Carvey (US 5,699,357) as applied to claims 1 and 10 above, and further in view of Velasco (US 5,032,845).

Canada et al. and Carvey disclose the claimed limitation above. However, they do not disclose the claimed features of: low power transceiver has a low data bandwidth; higher power transceiver has a high bandwidth; the controller is coupled to an external telephone line. Velasco discloses a system comprising the following features: vehicle 13 in Fig. 1 transmits data in VHF band; local master and central master transmit data in UHF band; wherein the VHF has lower bandwidth than UHF; central master in Fig. 4 is coupled to an external telephone line.

Therefore, it would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Canada et al. and Carvey, by using the features, as taught by Velasco, in order to provide an efficient data transmission system.

7. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al. (US 5,854,994) in view of Velasco (US 5,032,845) and Parken (US 5,010,583).

Canada et al. discloses an apparatus comprising the following features: in Fig. 4, a transceiver 604 (claimed first router node) hardwired couple into the computer 612 (claimed central controller); a repeater 8a in Fig. 1 (claimed second router node) for receiving low power transmission from a plurality of machine monitors 4, and receiving and transmitting high power

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transmission to and from another repeater or command station 6. See column 7, lines 42-52, and column 10, lines 51-56. Canada et al. does not disclose the claimed features of: receiving high bandwidth information from other repeaters or command station; a first receiver, a second receiver and a first transmitter. Velasco discloses a system comprising the following features: vehicle 13 in Fig. 1 transmits data in VHF band; local master and central master transmit data in UHF band; wherein the VHF has lower bandwidth than UHF. Parken discloses a repeater for a wide area coverage multiple repeater system comprising the following features: receiver 220 in Fig. 2 for receiving signals from a portable unit 130 in Fig. 1; transceiver 230 including a transmitter TX 232 and a receiver RX 234 for retransmitting the received signals and receiving the signals from other repeaters. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Canada et al., by using the features, as taught by Velasco and Parken, in order to reduce the possibilities of transmission collisions. See column 1, lines 20-22.

8. Claims 30-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Canada et al. (US 5,854,994) in view of Parken (US 5,010,583), Carvey (US 6,128,290), and Velasco (US 5,032,845).

Canada et al. a system comprising the following features: repeater 8a (claimed router node) in Fig. 1 for receiving low power transmission from a plurality of machine monitors (claimed plurality of devices) located proximate the repeater; for receiving information from other repeaters, such as repeater 8d (claimed other routers); and for transmitting information to machine monitors at a higher power level. See column 7, lines 42-52, and column 10, lines 51-56. Canada et al. disclose only one transceiver 808 in Fig. 7 for the repeater, rather than the

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claimed two transceivers. Moreover, Canada et al. does not disclose the claimed features of: at least one of the devices is selected from the group consisting of sensors, actuators, and controllers, and high bandwidth transmission. Parken discloses a repeater for a wide area coverage multiple repeater system comprising the following features: receiver 220 in Fig. 2 for receiving signals from a portable unit 130 in Fig. 1; transceiver 230 including a transmitter TX 232 and a receiver RX 234 for retransmitting the received signals and receiving the signals from other repeaters. Carvey discloses a personal data network comprising the following features: PEAs 21, ..., 29 being selected from the group of sensors, actuators, controllers. Velasco discloses a system comprising the following features: vehicle 13 in Fig. 1 transmits data in VHF band; local master and central master transmit data in UHF band; wherein the VHF has lower bandwidth than UHF. It would have been obvious to one of the ordinary skill in the art at the time of the invention to modify the system of Canada et al., by using the features, as taught by Parken, Carvey and Velasco, in order to provide an efficient data transmission system.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kwang B. Yao whose telephone number is 703-308-7583. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

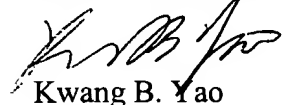
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

**KWANG BIN YAO**  
**PRIMARY EXAMINER**

A handwritten signature in black ink, appearing to read 'Kwang B. Yao', is written over the printed name.

Kwang B. Yao  
December 17, 2002